

CHAPTER 4

CERTIFICATION

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Attachment 1 Form FGIS-993, "Commodity Inspection Certificate" (Lot Inspection Certificate)

Attachment 2 Form FGIS-957, "Commodity Inspection Certificate" (Submitted Sample Inspection Certificate)

4.1 GENERAL

- a. Official certificates issued and not superseded under the Act and the regulations, are receivable by all offices and all courts of the United States as prima facie evidence of the truth of the statements stated thereon.
- b. A certificate shall be issued for each lot or submitted sample inspection.
- c. The information shown on the certificate shall be taken from the work record and the application for service.
- d. Cooperators may use FGIS forms and certificates, or their own forms and certificates. All forms and certificates must be approved by FGIS prior to use.

4.2 LOT INSPECTION CERTIFICATE

- a. A lot inspection certificate shall be issued to show the results of an inspection of a lot of hop based on a sample drawn by official personnel.
- b. A lot inspection certificate shall not be issued as representing an identified lot unless the entire lot is accessible for examination and a representative sample can be obtained.
- c. There may be circumstances when the entire lot is not accessible for sampling. In such instances, official personnel may issue an inspection certificate for the quantity of hop that is accessible, provided that:
 - (1) The words "PARTIAL INSPECTION" are shown in a conspicuous location on the heading of the certificate, and
 - (2) The number of bales in the lot that were accessible for sampling and the total number of bales in the lot are shown in the space provided for "Quantity." For example: "500 bales, part of an undivided lot of 1,250 bales."

4.3 SUBMITTED SAMPLE CERTIFICATE INSPECTION

- a. A submitted sample inspection certificate shall be issued to show the results of an inspection of hop based on a sample submitted by an applicant.
- b. Each submitted sample inspection certificate shall clearly state that the results of the inspection apply only to the sample described by the certificate and not to the bale or lot from which the sample may have been taken.
- c. A submitted sample may be identified by the applicant by sample number, producer's name, letters of the alphabet, warehouse name, or any other identification other than bale or lot identifiers. If a submitted sample is not adequately identified, the inspector may assign a number to the sample or request the applicant to assign a number or other identifier to the sample.

NOTE: No submitted sample inspection certificate will be issued that shows, directly or indirectly, the grower's lot number, the number of bales, carrier identification, or the origin of the hop.

4.4 DIVIDED-LOT CERTIFICATE

- a. Divided-lot certificates are multiple certificates issued for specified hop quantities which comprise a lot for which an original lot inspection certificate has been issued, surrendered, and voided.
- b. When hop is offered for inspection and is certificated as a single lot, the applicant may exchange the lot inspection certificate for two or more divided-lot certificates.
- c. Requests for divided-lot certificates shall be made, in writing, to the office that issued the outstanding certificate by the applicant who made the initial request.

NOTE: Because of unique hop marketing characteristics, the requirement that divided-lot certificates must be issued "within 5 business days of the outstanding certificate date" has been waived for hop. Divided-lot certificates may be issued for hop throughout the marketing year.

- d. Requests for divided-lot certificates must show:
 - (1) Hop quantity to be shown on each divided-lot certificate.
 - (2) Name and address of each consignee, if any.

- (3) Load order number, purchase authorization number, reference number, contract number, letter of credit identification, or similar identification required for each individual consignee.
- e. Prior to issuing a divided-lot certificate, the original inspection certificate must be in the custody of the cooperator or FGIS field office and be marked "VOID-SURRENDERED FOR DIVIDED-LOT CERTIFICATES."
- f. If official personnel determine that the condition of the affected hop has changed since the original inspection, the request for divided-lot certificates shall be dismissed.
- g. Show the same information and statements, including approved statements, that were shown on the superseded certificate on each divided-lot certificate. Additionally, show on each divided-lot certificate the following:
 - (1) On the original and all copies, in the space provided for "RESULTS OF INSPECTION," show the completed statement "This hop lot is part of an undivided lot of (show number of bales)."
 - (2) On the original, the term "Divided-Lot Original" and, on the copies, the term "Divided-Lot Copy."
 - (3) The same serial number as shown on the superseded certificate with a consecutively numbered suffix (for example, 1764-1, 1764-2, 1764-3, etc.). Inspection certificates have preprinted serial numbers. The preprinted number must be "X'd" out and replaced with the superseded certificate number and the serially numbered suffix.
 - (4) The hop quantity requested on the application, provided that no divided-lot certificate will be issued which shows, individually or collectively, a hop quantity in excess of the quantity shown on the superseded original certificate.

NOTE: Record the number of bales and certificate number of each divided-lot certificate issued on the back of the canceled original lot inspection certificate. Retain the original lot inspection certificate in the inspection office.

- (5) At the request of the applicant, a separate consignee, load order number, purchase authorization number, reference number, contract number, letter of credit identification, or similar identification may be shown on each divided-lot certificate. Provided that the information is furnished by the applicant, in writing, and that the identification shown on the superseded certificate corresponds to that shown on the original certificate.
- h. After divided-lot certificates have been issued, further dividing or combining is prohibited except with the approval of the Administrator. These limitations do not apply when a corrected certificate must be issued.

4.5 CORRECTED CERTIFICATE

- a. The accuracy of the statements and information shown on official certificates must be verified by the individual whose name or signature, or both, is shown on the official certificate or by the authorized agent who affixed the name or signature, or both. Errors found during this process will be corrected according to this section. The term "errors" includes errors of commission or omission and is not limited to errors of commission or omission attributed to official personnel. Such errors may be attributed to the applicant for inspection.
- b. Only official personnel or their authorized agents may make corrections, erasures, additions, or other changes to official certificates.
- c. No corrections, erasures, additions, or other changes may be made which involve identification, quality, or quantity.
- d. If errors are found prior to issuance, the errors may be corrected by either:
 - (1) Issuing a new certificate. The incorrect certificate shall be marked "VOID", or
 - (2) Making corrections subject to the following requirements:
 - a. The corrections shall be neat and legible.
 - b. The corrections shall be initialed by the individual who corrects the certificate.
 - c. The corrections and initials are shown on the original and all copies.

- e. If errors are found on an official certificate at any time up to a maximum of 1 year after issuance, the errors shall be corrected by obtaining the incorrect certificate and replacing it with a corrected certificate. When the incorrect certificate cannot be obtained, a corrected certificate may be issued superseding the incorrect one.
- (1) Written or verbal notice of error shall be issued to the applicant and respondents.
 - (2) The original of the incorrect certificate shall, if possible, be obtained and clearly marked "VOID."
 - (3) The original and the copies of the corrected certificate shall be issued to the same applicant and respondents who received the certificate found incorrect.
 - (4) The corrected certificate shall show the identical information and statements as shown on the incorrect certificate except:
 - (a) The correct statement or information shall be shown instead of the incorrect or omitted statement or information.
 - (b) The corrected certificate shall show the term "Corrected Original" and the copies shall show the term "Corrected Copy."
 - (c) The original and the copies shall show, in the space provided for "RESULTS OF INSPECTION" the following completed statement:
"This certificate is corrected as to (show reason for correction) and supersedes Certificate No. (show superseded certificate number), dated (show date of superseded certificate)."
 - (d) If the incorrect certificate cannot be obtained, the statement "The superseded certificate identified herein has not been surrendered," shall be clearly shown in the space provided for "RESULTS OF INSPECTION." Official personnel shall exercise other such precautions as may be necessary to prevent the fraudulent and unauthorized use of the superseded certificate.
 - (e) A new serial number shall be shown.

- (5) No corrected certificate shall be issued:
 - (a) For a certificate which has been superseded;
 - (b) For a lot when the applicant has reduced the lot quantity by more than 2 percent; or
 - (c) In any manner other than as prescribed in this section without approval of FGIS (Standards and Procedures Branch, Field Management Division).
- (6) The provisions of this section shall be applicable to all levels of certificates.

4.6 DUPLICATE CERTIFICATE

- a. Upon request, a duplicate certificate may be issued for a lost or destroyed official certificate.
- b. Requests for duplicate certificates shall be filed:
 - (1) In writing and in English;
 - (2) By the applicant who requested the service covered by the lost or destroyed certificate;
 - (3) With the office that issued the initial certificate; and
 - (4) With a statement by the applicant that the original certificate has been lost or destroyed; if lost, that diligent effort has been made to find it without success.
- c. The same information and statements, including permissive statements, that were shown on the lost or destroyed certificate shall be shown on the duplicate certificate. Duplicate certificates shall show:
 - (1) The term "Duplicate Original" and the copies shall show "Duplicate Copy."
 - (2) The original and the copies will show, in the space provided for "RESULTS OF INSPECTION," the following completed statement: "This duplicate certificate is issued in lieu of a (show lost or destroyed, as applicable) certificate."

- (3) The serial number shall be "X'd" out and the lost or destroyed certificate serial number typed on the certificate.
- d. Issue duplicate certificates as promptly as possible.
- e. The provisions of this section shall be applicable to all levels of certificates.

4.7 CERTIFICATE INFORMATION

- a. Each certificate shall show the date the inspection was performed, the location where the inspection was performed, the quantity of hop in the lot or sample, the factor results or results of other services, and other remarks applicable to the service performed.

- (1) In the space identified as "DATE OF ISSUANCE" or "DATE," show the day on which the inspection is completed, as shown in the detailed work records.
- (2) In the space identified as "LOCATION OF COMMODITY" or "CITY AND STATE," show the city and state where the inspection is performed. The place of inspection (e.g., warehouse location) may also be shown.

NOTE: The place of inspection and the city and state where the inspection was performed must be shown on all inspection work records.

- (3) In the space identified as "QUANTITY AND CONTAINER" or "QUANTITY OF SAMPLE," show:
 - (a) On lot inspection certificates, the quantity of hop in the lot as determined by official personnel. The quantity may be stated in terms of carload, truckload, or trailer load; or in pounds; or by container.

NOTE: The statement of quantity serves as a part of the lot identity and is not to be construed as a certificate of weight or quantity, except when the applicant requests that a lot of packaged hop be checkloaded, checkweighed, or checkcounted and the certificate so states.

- (b) On submitted sample inspection certificates, the quantity of sample submitted for inspection. That is, the approximate sample quantity shown in terms of weight or volume. No submitted sample inspection certificate shall be issued which shows, directly or indirectly, the quantity of hop in a lot from which the sample may have been taken.

- (4) In the space provided for "RESULTS OF INSPECTION," show the results of all factor analyses performed. The results of the analysis for leaf and stem and seeds shall be shown according to chapter 3 of this handbook.
- (5) In the space provided for "REMARKS," show required statements and other information which will facilitate hop marketing. No statement may be shown which is known to be false or misleading. This may include information such as warehouse receipt numbers, loan numbers, loading order numbers, seal numbers, and special (FGIS approved) statements.

NOTE: Refer requests for special statements which are substantially different from previously approved statements to the appropriate FGIS field office or Federal/State office.

- (a) The wording of these statements may be modified provided the meaning is not altered and the statements are approved by the FOM.
- (b) Upon request, a statement of origin may be shown on a certificate.
 - 1 When an origin statement is requested, the applicant must make accessible for examination relevant records which indicate the origin of the hop.
 - 2 When the records indicate that the hop is a product of the soil and industry of the United States, show the following statement on the certificate: "The hop described herein and relevant records indicating the origin of the hop have been examined, and the hop is found to be a product of the soil and industry of the United States."
 - 3 When records are not available or are not convincing, the following statement may be shown: "Applicant states that this hop is a product of the soil and industry of the United States."
- (6) Use the reverse of certificates to show other pertinent information and special statements. If used, show the statement "(see reverse)" or "(continued on reverse)" conspicuously on the front of the certificate. On the reverse of the certificate, show "(Continuation of (show applicable space continued from))."

4.8 AUTHORIZATION TO AFFIX NAMES

- a. Official personnel's name or signature, or both, may be affixed to official certificates which are prepared from work records signed or initialed by the person whose name will be shown. The agent affixing the name or signature, or both, must:
 - (1) Be employed by a cooperator or FGIS;
 - (2) Have been designated to affix names or signatures, or both; and
 - (3) Hold a power of attorney from the person whose name or signature will be affixed. The power of attorney will be on file with the employing cooperator or FGIS, as appropriate.
- b. When a name or signature is affixed by an authorized agent, the word "By" and the initials of the given name and surname of the authorized agent will appear directly below or following the name or signature of the person.

EXAMPLE: "Walter Jacobs _____ by nc."

4.9 VOIDED CERTIFICATE

Each official certificate which is rendered useless through clerical error or by being superseded by another certificate shall be conspicuously marked "VOID." If a certificate is rendered useless through clerical error, the original of the certificate shall be retained by the office. If a certificate is superseded, the original of the superseded certificate shall be filed, if surrendered, with the copy of the superseded certificate.

4.10 CERTIFICATE DISTRIBUTION

- a. The original and one copy of each certificate shall be distributed to the applicant or the applicant's order. In addition, one copy of each certificate shall be filed with the office providing the inspection; and, if the inspection is performed by a cooperator, one copy shall be forwarded to the appropriate field office. If requested by the applicant prior to issuance of the certificate, additional copies not to exceed a total of three copies shall be furnished at no extra charge.

- b. In addition to the aforementioned distribution requirements, one copy of each appeal certificate shall be distributed to each interested person of record or the interested person's agent and to the cooperator or FGIS field office that issued the superseded certificate.
- c. When more copies of a certificate are requested than can be furnished from one numbered set, copies may be made by using a copying machine or using the copies of another set by voiding the original and writing across it the reason for voiding; for example: "Extra copies requested by applicant for Certificate No. L-2222." An additional fee for extra copies shall be charged according to the applicable fee schedule.

RESERVED

COMMODITY INSPECTION CERTIFICATE FGIS-993

U.S. DEPARTMENT OF AGRICULTURE
FEDERAL GRAIN INSPECTION SERVICE

ORIGINAL
NOT NEGOTIABLE

A-

COMMODITY INSPECTION CERTIFICATE

(1)

DATE OF SERVICE (2)	ISSUED AT (3)	LEVEL OF INSPECTION (4)
APPLICANT (5)		LOCATION OF COMMODITY (6)
IDENTIFICATION (7)		QUANTITY AND CONTAINER (8)

(9)

I CERTIFY THAT THE SERVICES SPECIFIED ABOVE WERE PERFORMED WITH THE RESULTS STATED.	INSPECTOR (10)
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This certificate is issued under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) and the regulations thereunder (7 CFR 868.1 et seq.) and is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

WARNING Sec. 203(h) of the Agricultural Marketing Act of 1946 provides that anyone who shall knowingly falsely make, issue, alter, forge, or counterfeit any official certificate, or aid, assist, or be a party to such actions, is subject to a fine of not more than \$1,000 or imprisonment for not more than 1 year, or both.

The conduct of all services and the licensing of inspection/grading/sampling personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap.

FORM FGIS-993

**INSTRUCTIONS FOR COMPLETING FORM FGIS-993,
"COMMODITY INSPECTION CERTIFICATE"
(LOT INSPECTION CERTIFICATE)**

- (1) Enter the words, "HOP LOT INSPECTION."
- (2) Enter the inspection date.
- (3) Enter the name of the city and state of the field office or cooperator's office issuing the certificate; e.g., Spokane, Washington.
- (4) Enter the type of inspection performed; i.e., original, retest, appeal, or Board appeal.
- (5) Enter the applicant's name, city, and state.
- (6) Enter the location (place name, city, and state) of the commodity. If this information is the same as that shown in block 5, the term "Same" may be entered.
- (7) Enter the lot's identification.
- (8) Enter the quantity of hops in the lot.
- (9) Enter the results of all factor determinations; e.g., percent of leaf and stem and percent of seeds. When necessary, enter the term "REMARKS" followed by any required or approved statements. Enter the words "END OF RESULTS" on the left hand side of the certificate directly under the last line of remarks.
- (10) Enter the name or signature, or both, of the person who issued the certificate and, if affixed by an authorized agent, the word "By" and the agent's initials.

**COMMODITY CERTIFICATE
SUBMITTED SAMPLE INSPECTION FGIS-994**



U.S. DEPARTMENT OF AGRICULTURE
FEDERAL GRAIN INSPECTION SERVICE

ORIGINAL
NOT NEGOTIABLE

**COMMODITY CERTIFICATE
SUBMITTED SAMPLE INSPECTION**

A-

DATE OF SERVICE (1)	ISSUED AT (2)	LEVEL OF INSPECTION (3)
COMMODITY (4)	QUANTITY OF SAMPLE (5)	
IDENTIFICATION OF SAMPLE (6)	SAMPLE SUBMITTED BY (7)	

(8)

NOT OFFICIALLY SAMPLED

I CERTIFY THAT THE SERVICES SPECIFIED ABOVE WERE PERFORMED WITH THE RESULTS STATED.	INSPECTOR (9)
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This certificate is issued under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) and the regulations thereunder (7 CFR 868.1 et seq.) and is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

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The conduct of all services and the licensing of inspection/grading/sampling personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap.

FORM FGIS-994

**INSTRUCTIONS FOR COMPLETING FORM FGIS-994,
"COMMODITY CERTIFICATE"
(SUBMITTED SAMPLE INSPECTION CERTIFICATE)**

- (1) Enter the inspection date.
- (2) Enter the name of the city and state of the field office or cooperator's office issuing the certificate; e.g., Yakima, Washington.
- (3) Enter the type of inspection performed; i.e., original or appeal.
- (4) Enter the term "Hop."
- (5) Enter the approximate quantity of sample submitted; e.g., 5 pound or 5,000 grams.
- (6) Enter the submitted sample's identification.
- (7) Enter the applicant's name, city, and state.
- (8) Enter the results of all factor determinations; e.g., percent of leaf and stem and percent of seeds.

When necessary, enter the term "REMARKS" followed by any required or approved statements.

Enter the words "END OF RESULTS" on the left hand side of the certificate directly under the last line of remarks.

- (9) Enter the name or signature, or both, of the person who issued the certificate and, if affixed by an authorized agent, the word "By" and the agent's initials.

EEO STATEMENT

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